

E-FILED

FILED  
APR 29 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

MELINDA HAAG (CABN 132612)  
United States Attorney

MIRANDA KANE (CABN 150630)  
Chief, Criminal Division

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Attorneys for the United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

4-11-70489

UNITED STATES OF AMERICA,  
Plaintiff,

v.

DONALD MOORE,  
Defendant.

CRIMINAL NO.

NOTICE OF PROCEEDINGS ON  
OUT-OF-DISTRICT CRIMINAL  
CHARGES PURSUANT TO RULES  
5(c)(2) AND (3) OF THE FEDERAL  
RULES OF CRIMINAL PROCEDURE

Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal  
Procedure that on April 28, 2011, the above-named defendant was arrested based upon an arrest  
warrant (copy attached) issued upon an

- ☒ Indictment
- ☐ Information
- ☐ Criminal Complaint
- ☐ Other (describe) \_\_\_\_\_

pending in the Eastern District of California, Case Number 2:08-CR-00235-MCE.

In that case, the defendant is charged with a violation of Title 21, United States Code,  
Sections 846 and 841(a)(1).

Description of Violation:

~~COUNT ONE: 21 U.S.C. §§ 846, 841(a)(1) - Conspiracy to Distribute and Possess with Intent to distribute Cocaine Base.~~ *DM*

COUNT TWO: 21 U.S.C. § 841(a)(1) - Conspiracy to Distribute and Possess with Intent to Distribute MDMA; 5-methoxy-N,Ndiisopropyltryptamine; and Ketamine.

COUNT SIX: 21 U.S.C. § 841(a)(1) - Distribution of MDMA; 5-methoxy-N,Ndiisopropyltryptamine; and Ketamine.

COUNT SEVEN: 21 U.S.C. § 841(a)(1) - Distribution of 5-methoxy-N,Ndiisopropyltryptamine.

Penalty:

~~COUNT ONE:  
Mandatory Minimum 10 Years Imprisonment  
Maximum Life Imprisonment  
\$4,000,000 Fine  
5 Years Term Supervised Release~~ *DM*

COUNT TWO:  
20 Years Imprisonment  
\$1,000,000 Fine  
3 Years Term Supervised Release

COUNT SIX:  
20 Years Imprisonment  
\$1,000,000 Fine, or Both  
5 Years Term Supervised Release

COUNT SEVEN:  
20 Years Imprisonment  
\$1,000,000 Fine, or Both  
5 Years Term Supervised Release

Respectfully Submitted,

MELINDA HAAG  
UNITED STATES ATTORNEY

Date: April 29, 2011.

*Jennifer N. Gaspar*  
JENNIFER N. GASPAR  
Special Assistant United States Attorney

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

1487718

2009 MAY 23 AM 9:35

USA,

v.

DONALD - MOORE,

AMENDED  
WARRANT FOR ARREST

Case Number: 2:08-CR-00235-MCE

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Donald - Moore ,  
and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☒ Indictment ☐ Information ☐ Violation Petition ☐ Other \_\_\_\_\_

charging him or her with (brief description of offense)

Conspiracy to Distribute and Possess with Intent to Distribute MDMA;  
5-methoxy-N,Ndiisopropyltryptamine; and Ketamine

in violation of Title 21 United States Code, Section(s) 841(a)(1)

L. Reader

Name of Issuing Officer

Signature of Issuing Officer

Deputy Clerk

Title of Issuing Officer

5/23/08

Sacramento

Date and Location

Bail fixed at \$ NO BAIL

by Magistrate Judge Gregory G. Hollows

RETURN

This warrant was received and executed with the arrest of the above-named defendant

Date Received

Name and Title of Arresting Officer

Date of Arrest

Signature of Arresting Officer

1 MCGREGOR W. SCOTT  
 2 United States Attorney  
 3 HEIKO P. COPPOLA  
 4 Assistant U.S. Attorney  
 5 501 I Street, Suite 10-100  
 6 Sacramento, California 95814  
 7 Telephone: (916) 554-2770

**FILED**

MAY 22 2008

CLERK, U.S. DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA  
 BY [Signature] DEPUTY CLERK

8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

2:08-CR--235 MCE [Signature]

11 UNITED STATES OF AMERICA, ) CR. NO.  
 12 )  
 13 Plaintiff, ) VIOLATIONS: 21 U.S.C. §§ 846,  
 14 v. ) 841(a)(1) - Conspiracy to  
 15 SHATOYA AUSTIN, ) Distribute and Possess with Intent  
 16 RALPH DIXON, and ) to Distribute Cocaine Base;  
 17 DONALD MOORE, ) 21 U.S.C. §§ 846, 841(a)(1) -  
 18 ) Conspiracy to Distribute and  
 19 ) Possess with Intent to Distribute  
 20 ) MDMA; 5-methoxy-  
 21 ) N,Ndiisopropyltryptamine; and  
 22 ) Ketamine; 21 U.S.C. § 841(a)(1) -  
 23 ) Distribution of Cocaine Base  
 24 ) (3 counts); 21 U.S.C. § 841(a)(1)  
 25 ) - Distribution of MDMA; 5-methoxy-  
 26 ) N,Ndiisopropyltryptamine; and  
 27 ) Ketamine; 21 U.S.C. § 841(a)(1) -  
 28 ) Distribution of 5-Methoxy-  
 ) N,Ndiisopropyltryptamine

INDICTMENT

COUNT ONE: [21 U.S.C. §§ 846, 841(a)(1) - Conspiracy to Distribute and Possess with Intent to Distribute Cocaine Base]

The Grand Jury charges: T H A T

SHATOYA AUSTIN, and  
 RALPH DIXON,

defendants herein, beginning at a time unknown to the Grand Jury,  
 but no later than on or about January 15, 2008, and continuing

1

I hereby certify that the annexed  
 instrument is a true and correct copy of  
 the original on file in my office.

ATTEST: VICTORIA C. MINOR

Clerk, U. S. District Court  
 Eastern District of California

By [Signature] Deputy Clerk

Dated \_\_\_\_\_

1 thereafter to on or about March 31, 2008, in the State and Eastern  
2 District of California, and elsewhere did knowingly and  
3 intentionally conspire with each other and with persons known and  
4 unknown to the Grand Jury, to distribute and to possess with the  
5 intent to distribute at least fifty grams of a mixture and substance  
6 containing a detectable amount of a form of cocaine base, known as  
7 crack cocaine, a Schedule II controlled substance, in violation of  
8 Title 21, United States Code, Sections 846 and 841(a)(1).

9 COUNT TWO: [21 U.S.C. § 841(a)(1) - Conspiracy to Distribute and  
10 Possess with Intent to Distribute MDMA; 5-methoxy-  
N,Ndiisopropyltryptamine; and Ketamine]

11 The Grand Jury further charges: T H A T

12 SHATOYA AUSTIN, and  
13 DONALD MOORE,

14 defendants herein, beginning at a time unknown to the Grand Jury,  
15 but no later than on or about February 19, 2008, and continuing  
16 thereafter to on or about March 5, 2008, in the State and Eastern  
17 District of California, and elsewhere did knowingly and  
18 intentionally conspire with each other and with persons known and  
19 unknown to the Grand Jury, to distribute and to possess with the  
20 intent to distribute controlled substances, to wit, 3,4-  
21 methylenedioxy-methamphetamine (MDMA), a Schedule I controlled  
22 substance; 5-methoxy-N,Ndiisopropyltryptamine, a Schedule I  
23 controlled substance; and ketamine, a Schedule III controlled  
24 substance, in violation of Title 21, United States Code, Sections  
25 846 and 841(a)(1).

26 ///

27 ///

28 ///

1 COUNT THREE: [21 U.S.C. § 841(a)(1) - Distribution of Cocaine Base]

2 The Grand Jury further charges: T H A T

3 SHATOYA AUSTIN, and  
4 RALPH DIXON,

5 defendants herein, on or about January 15, 2008, in the State and  
6 Eastern District of California, did knowingly and intentionally  
7 distribute at least five grams of a mixture and substance containing  
8 a detectable amount of a form of cocaine base, known as crack  
9 cocaine, a Schedule II controlled substance, in violation of Title  
10 21, United States Code, Section 841(a)(1).

11 COUNT FOUR: [21 U.S.C. § 841(a)(1) - Distribution of Cocaine Base]

12 The Grand Jury further charges: T H A T

13 SHATOYA AUSTIN, and  
14 RALPH DIXON,

15 defendants herein, on or about January 30, 2008, in the State and  
16 Eastern District of California, did knowingly and intentionally  
17 distribute at least five grams of a mixture and substance containing  
18 a detectable amount of a form of cocaine base, known as crack  
19 cocaine, a Schedule II controlled substance, in violation of Title  
20 21, United States Code, Section 841(a)(1).

21 COUNT FIVE: [21 U.S.C. § 841(a)(1) - Distribution of Cocaine Base]

22 The Grand Jury further charges: T H A T

23 RALPH DIXON,

24 defendant herein, on or about March 7, 2008, in the State and  
25 Eastern District of California, did knowingly and intentionally  
26 distribute at least fifty grams of a mixture and substance  
27 containing a detectable amount of a form of cocaine base, known as  
28 crack cocaine, a Schedule II controlled substance, in violation of

1 Title 21, United States Code, Section 841(a)(1).

2 COUNT SIX: [21 U.S.C. § 841(a)(1) - Distribution of MDMA;  
3 5-methoxy-N,Ndiisopropyltryptamine; and Ketamine]

4 The Grand Jury further charges: T H A T

5 SHATOYA AUSTIN, and  
6 DONALD MOORE,

7 defendant herein, on or about February 29, 2008, in the State and  
8 Eastern District of California, did knowingly and intentionally  
9 distribute 3,4-methylenedioxy-methamphetamine (MDMA), a Schedule I  
10 controlled substance; 5-methoxy-N,Ndiisopropyltryptamine, a Schedule  
11 I controlled substance; and ketamine, a Schedule III controlled  
12 substance, in violation of Title 21, United States Code, Section  
13 841(a)(1).

14 COUNT SEVEN: [21 U.S.C. § 841(a)(1) - Distribution of 5-methoxy-  
15 N,Ndiisopropyltryptamine]

16 The Grand Jury further charges: T H A T

17 DONALD MOORE,

18 defendant herein, on or about March 5, 2008 in the State and Eastern  
19 District of California, did knowingly and intentionally distribute  
20 5-methoxy-N,Ndiisopropyltryptamine, a Schedule I controlled  
21 substance, in violation of Title 21, United States Code, Section  
22 841(a)(1).

23 A TRUE BILL.

24 /s/ Signature on file w/AUSA  
25 FOREPERSON

26   
27 McGREGOR W. SCOTT  
28 United States Attorney

No.

2:08 - 235 MCE

**UNITED STATES DISTRICT COURT**

*Eastern District of California*

*Criminal Division*

**THE UNITED STATES OF AMERICA**

vs.

**SHATOYA AUSTIN,  
RALPH DIXON, and  
DONALD MOORE**

**INDICTMENT**

**VIOLATION(S): 21 U.S.C. § 846, 841(a)(1) - Conspiracy to Distribute  
and Possess with Intent to Distribute Cocaine Base;  
21 U.S.C. § 846, 841(a)(1) - Conspiracy to Distribute and Possess with  
Intent to Distribute MDMA; 5-methoxy-N, Ndiisopropyltryptamine; and  
Ketamine; 21 U.S.C. § 841(a)(1) - Distribution of Cocaine Base  
(3 Counts); 21 U.S.C. § 841(a)(1) - Distribution of MDMA; 5-  
methoxy-N, Ndiisopropyltryptamine; and Ketamine;  
21 U.S.C. § 841(a)(1) - Distribution of 5-Methoxy-  
N, Ndiisopropyltryptamine**

*A true bill,*

15/

Foreman.

*Filed in open court this* \_\_\_\_\_ *day*

*of* \_\_\_\_\_ *, A.D. 20* \_\_\_\_\_

Clerk.

*Bail, \$*

**NO PROCESS NECESSARY**

**NO BAIL WARRANT**

**GREGORY G. HOLLOWS**



**PENALTY SLIP****SHATOYA AUSTIN:** Counts 1, 2, 3, 4, and 6**RALPH DIXON:** Counts 1, 3, 4, and 5**DONALD MOORE:** Counts 2, 6, and 7

<b>COUNT 1</b>	21 U.S.C. §§ 846, 841(a)(1) - Conspiracy to Distribute and Possess with Intent to Distribute Cocaine Base	<b>PENALTY</b>	<u>Mandatory Min.:</u> 10 years <u>Max:</u> Life <u>NMT:</u> \$4 million dollars fine, or Both <u>At Least</u> 5 Years TSR
<b>COUNT 2</b>	21 U.S.C. § 841(a)(1) - Conspiracy to Distribute and Possess with Intent to Distribute MDMA; 5-methoxy-N,Ndiisopropyltryptamine; and Ketamine	<b>PENALTY</b>	<u>Up To</u> 20 Years <u>NMT:</u> \$1 million dollars fine, or Both 3 Years TSR
<b>COUNTS 3 - 4</b>	21 U.S.C. § 841(a)(1) - Distribution of Cocaine Base	<b>PENALTY</b>	<u>Mandatory Min.:</u> 5 Years <u>NMT:</u> 40 Years <u>NMT:</u> \$2 million dollars 4 Years TSR
<b>COUNT 5</b>	21 U.S.C. § 841(a)(1) - Distribution of Cocaine Base	<b>PENALTY</b>	<u>Mandatory Min.:</u> 10 years <u>Max:</u> Life <u>NMT:</u> \$4 million dollars fine, or Both <u>At Least</u> 5 Years TSR
<b>COUNT 6</b>	21 U.S.C. § 841(a)(1) - Distribution of MDMA; 5-methoxy-N; Ndiisopropyltryptamine; and Ketamine	<b>PENALTY</b>	<u>Up To</u> 20 Years <u>NMT:</u> \$1 million dollars fine, or Both 3 Years TSR
<b>COUNT 7</b>	21 U.S.C. § 841(a)(1) - Distribution of 5-methoxy-N,Ndiisopropyltryptamine	<b>PENALTY</b>	<u>Up To</u> 20 Years <u>NMT:</u> \$1 million dollars fine, or Both 3 Years TSR
<b>SPECIAL ASSESSMENT:</b> \$100.00 for each count			

AO 257 (Rev. 5/2003)

08 - CR - - 235 MCE

PER 18 U.S.C 3170

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION U.S. DISTRICT COURT

BY

☒ COMPLAINT ☐ INFORMATION ☐ INDICTMENT☐ SUPERSEDING INFORMATION ☐ SUPERSEDING

MAG 08-0167 GGH

## OFFENSE CHARGED

-Conspiracy to Distribute and Possess with Intent to Distribute 3,4-methylenedioxymethamphetamine (MDMA), 5-methoxy-N,N-diisopropyltryptamine, ketamine

-Distribution of 3,4-methylenedioxymethamphetamine (MDMA), 5-methoxy-N,N-diisopropyltryptamine, and Ketamine

-Possession with Intent to Distribute Methamphetamine

Petty

Minor

Misdemeanor

☒ Felony

Place of Offense: San Joaquin

## USC Citations:

21 U.S.C. § 841(a)(1);

21 U.S.C. § 841(a)(1);

21 U.S.C. § 841(a)(1)

Name of District Court, and/or Judge Magistrate Location (city)

EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO, CALIFORNIA

DEFENDANT – U.S. vs.

DONALD MOORE

Address { 9429 Westmore Court  
Stockton, CABirth  
Date

6/17/1977

☒ Male

Female

Alien

(if applicable)

(Optional unless a juvenile)

## PROCEEDING

Name of Complainant Agency, or Person (&amp; Title, if any)

DEA

☐ this person is awaiting trial in another Federal or State Court, give name of court.☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District☐ this is a prosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ DefenseSHOW  
DOCKET NO.☐ this prosecution relates to a pending case involving this same defendant☐ prior proceeding or appearance(s) before U.S. Magistrate regarding this defendant were recorded underMAGISTRATE  
CASE NO.  
08-0167 GGHName and Office of Person  
Furnishing Information on

THIS FORM

SA Brittany Ziesman-Hicks  
916-416-5610U.S.  
Att'y☒Other U.S.  
AgencyName of Asst. U.S. Att'y  
(if assigned)

HEIKO P. COPPOLA

## DEFENDANT

## IS NOT IN CUSTODY

1) ☒ Has not been arrested, pending outcome this proceeding if not detained give date any prior summons was served on above charges2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)

## IS IN CUSTODY

4) ☐ On this charge5) ☐ On another conviction☐ Fed'l☐ State6) ☐ Awaiting trial on other charges  
If answer to (6) is "Yes", show name of institutionHas detainer  
been filed?

Yes

No

If  
"Yes"  
give  
dateDATE OF  
ARREST ▶

Mo.

Day

Year

Or ... If arresting Agency &amp; Warrant were not Federal

DATE TRANSFERRED  
TO U.S. CUSTODY ▶

Mo.

Day

Year

☐ This report amends AO 257 previously submitted

## ADDITIONAL INFORMATION OR COMMENTS

BENCH WARRANT DETENTION/BAIL TO BE DETERMINED AT INITIAL APPEARANCE